



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES

DEPARTMENT OF PLANNING AND NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL PROTECTION  
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**ERRATA SHEET**

**REVISIONS TO THE RULES AND REGULATIONS FOR THE VIRGIN ISLANDS  
OF THE UNITED STATES PURSUANT TO THE PESTICIDE CONTROL ACT  
JULY 27, 2021**

**Bottom of Page 14 and Top of Page 15:** Revise 803-6(a) as it pertains to when these rules and regulations become effective. It will as follow:

These rules and regulations shall have the full force and effect of the law and shall become effective immediately upon compliance with the requirements pursuant to the statutory authority specified in 12 V.I.C. Section 803( c) (5) (Powers and Duties of the Commissioner) of the Virgin Islands Pesticide Control Act and also 3 V.I.C. Section 401(b)(16) (Powers and Duties of Department) of the Virgin Islands Pesticide Control Act (“the Act”), and the Virgin Islands Code, Title 3 (Executive), Chapter 35 (Filing and Publications of Regulations), except as provided in subsections (b) – (k) below or elsewhere in these regulations.

**Page 28:** Revise 803-22(b) to read as follows: The Commissioner shall not issue a Purchase Permit to any persons, except those persons authorized to apply restricted use pesticides without a certification pursuant to Section 803-31(b)(5) or (6).

**Page 31:** Revise 803-31(d), ---For purpose of greater clarity and to indicate a prohibition, delete the second sentence of this subparagraph) and replace it with the following sentence:

No Private Applicator shall engage in any application of restricted use pesticides or any Commercial Application of general use pesticides for which certification is required except for the category (agricultural pest control) specified on his or her certification card (except as provided for by 803-51 and 803-52 when working under the supervision of a Commercial Applicator).

**Page 32:** Revise 803-32(b) (Private Applicator Certification) to indicate that Private Applicator must take two training courses (Core and Category) and two examinations (Core and Category) to become certified. The category for Private Applicators is Agriculture Pest Control only.

To incorporate the revision described above, a new subparagraph 803-32(b)(3) is created to require that an Agricultural Pest Control category training course and examination be taken.

803-32(b)

(3) demonstrate competency in the standards for the use and handling of pesticides for the Agricultural Pest Control category for the private application of pesticides as listed in 803-43(b)(11) by:

(A) Attending a Department-approved private applicator certification training course for the Agriculture Pest Control category, and

(B) Passing a Department-approved private applicator certification examination for the Agriculture Pest Control category.

803-32(b)(3) will be renumbered as (b)(4)

803-32(b)(4) will be renumbered as (b)(5)

**Page 34:** Revise 803-34(a) as follows:

Upon satisfactorily completing the Department-approved training course and passing the required examinations, a person will receive a notice that he/she passed the examinations and may request certification from the Department by submitting an application on a Department-approved form, including requisite documentation and payment of the fees specified in 803-32.

**Page 34:** Revise 803-34(d) fifth line to add the words “or subcategory” after the word “category”.

**Page 39:** Revise 803-38(d) to substitute the word “later” for “latter.”

**Page 40:** Revise 803-38 to add a new subparagraph 803-38(f)(10) to include an additional reason, consistent with the addition of the new subparagraph 803-38(i), why the Commissioner may deny an application for a Pesticide Business or Pesticide Agency.

The new subparagraph 803-38(f)(10) will read as follows: “the Pesticide Business or Agency has failed to comply with the requirements specified in Section 803-38(i) of these regulations.”

**Page 40:** Revise 803-38 to eliminate the last sentence in 803-38(h) “No Pesticide Business or Agency shall engage in the application of restricted use pesticides or the Commercial Application of general use pesticides unless the Business or Agency has at least one employee who is a Commercial Applicator, certified in the proper category in which the Business or Agency intends to engage at each location required to be registered, and at least one employee who is a Commercial Applicator, certified in the proper category, for every five Pesticide Technicians who are employed by the business or agency” and incorporate it as a new subparagraph 803-38(i).

**Page 62:** Revise 803-52(b) to insert the word “certified” prior to “Private Applicator’s employer” on the last line of that subparagraph.

**Page 63:** Revise 803-52(h), second to last line, to substitute the word “Certified” for “Commercial”. The reason for this change is to ensure that if worn or damaged parts or equipment are found, it is the responsibility of the Certified Applicator (can be Commercial Applicator or Private Applicator) to ensure that any damaged equipment is repaired or replaced prior to use.

**Page 72:** Revise 803-81(a)(1)(B)(ii), first line, to say “requirements,” not require.

**Page 74:** Revise 803-81(c), first line to add “record and” prior to the word “maintain”, so it will read “Private Applicators shall record and maintain . . . “

**Page 75:** Revise 803-82(a)(1) by removing the words “Pesticide Dealer” at the start of this paragraph. Those words are a typo. The paragraph starts with “Upon request of. . .”

**Page 76:** Revise 803-82(b)(1) the introductory paragraph for clarity purposes. It will read as follows:

For purposes of enforcing the provisions of these regulations, officers or employees of the Department duly designated by the Commissioner, are authorized to enter at reasonable times:

**Page 80:** Revise 803-84(g) (Unlawful Acts) to mirror the language in 803-22(a). The sub-paragraph 803-84(g) will now read as follows:

For any person other than a Pesticide Dealer, Certified Applicator, or someone acting under a certified applicator’s supervision in compliance with sections 803-51 or 803-52, or an agricultural handler acting on behalf of a Private Applicator in compliance with EPA’s Worker Protection Standard, to possess or use any restricted use pesticide without a Purchase Permit.”

**Page 81:** Revise 803-84(l) to specify that any violation of these regulations (not only the unlawful acts specified in Section 803-84, including 803-84(l)(1) through (9)), is an Unlawful Act. The introduction sentence of sub-paragraph 803-84(l) will now read as follows:

For any person to violate any other provisions of the Act or these regulations, including, but not limited to:  
(1) ...